

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**(Attorney Docket № 14190US02)**

In the Application of: ) *Electronically Filed on 09-OCT-2007*  
Richard Martin, et al. )  
Serial No. 10/657,942 )  
Filed: September 9, 2003 )  
For: SYSTEM AND METHOD FOR )  
HARDWARE ACCELERATION IN A )  
HYBRID WIRED/WIRELESS LOCAL )  
AREA NETWORK )  
Examiner: Simon A. Goetze )  
Group Art Unit: 2617 )  
Confirmation No. 1603 )

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on July 13, 2007 (hereinafter, the Final Office Action) with a period of reply through October 13, 2007. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

## REMARKS

The present application includes pending claims 1-27, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,474, issued to Eichert, et al. (hereinafter, Eichert), in view of U.S. Patent Application Publication No. 2002/0069278, issued to Forslow (hereinafter, Forslow). The Applicant respectfully traverses these rejections at least based on the following remarks.

### I. Examiner's Response to Arguments

The Examiner states the following in the "Response to Arguments" section of the Final Office Action:

The argued feature of associating at least one policy with a particular one of access point groups reads upon Eichert et al. in view of Forslow as follows. Eichert et al. is disclosing a system of policy management in a network including multiple nodes. **They disclose distributing policies for management to one or a group of network devices** which are known in the art to provide connectivity to groups of users. Therefore, disclosing the limitation of "associating said at least one policy with a particular one of said access point groups." Forslow discusses a policy distributing process for a wireless local area network.

See the Final Office Action at page 2 (emphasis added). The Applicant points out that the first relevant claim limitation from Applicant's claim 1 is "a plurality of access point groups." As explained in the May 3, 2007 response, neither Forslow nor Eichert disclose a plurality of access point groups. More importantly, neither Forslow nor Eichert disclose associating a policy with a particular one of the access point groups. The Examiner is alleging that Eichert discloses "distributing policies for management to one or a group of network devices" (see bolded statement above). The Applicant respectfully disagrees. Eichert, on numerous occasions, states that a new policy, represented by an object file, is communicated only to a single device (not an access point group), and is used to define how the specific network device (not an access point group) should behave when confronted with a particular situation. See Eichert at col. 4, lines 1-8, as well as col. 12, lines 33-53. Forslow does not overcome the deficiencies of Eichert. Therefore, the Applicant maintains that the combination of Eichert and Forslow does not disclose or suggest at least the limitation of "associating said at

least one policy with a particular one of said access point groups," as recited by the Applicant in independent claim 1.

## CLAIM REJECTIONS UNDER 35 U.S.C. § 103

### II. The Proposed Combination of Eichert and Forslow Does Not Render Claims 1-27 Unpatentable

The Applicant turns to the rejection of claims 1-27 as being unpatentable over Eichert in view of Forslow. The Applicant notes that the proposed combination of Eichert and Forslow forms the basis for all of the pending rejections.

#### A. Independent Claim 1

With regard to the rejection of independent claim 1 under 103(a), the Applicant submits that the combination of Eichert and Forslow does not disclose or suggest at least the limitation of "**associating said at least one policy with a particular one of said access point groups**," as recited by the Applicant in independent claim 1 (emphasis added). The Final Office Action states the following:

Eichert et al. discloses a method for hardware acceleration in a wired local area network, the method comprising:

*associating said at least one policy with a particular one of said access point groups (policy is distributed to the different groups of network devices and end systems - Figures 1 and 3 - Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63);*

See the Final Office Action at page 3. Initially, the Applicant points out that even though Eichert discloses a plurality of network devices in Figure 1, **Eichert does not disclose or suggest a "plurality of access point groups."** The Applicant further points out that **Figures 1 and 3 of Eichert do not disclose or suggest that a policy is associated with an access point group**, as recited in Applicant's claim 1. For example, Figure 1 of Eichert illustrates a schematic diagram of a general network and its connected network devices. See Eichert, col. 6, lines 47-48. Furthermore, in order to implement the system policy, Eichert discloses that a network manager uses a single management station, such as the management station 100 of Figure 1, in order to specify policy for a network. See *id.* at Figure 1 and col. 2, lines 46-47.

Figure 3 of Eichert describes in greater detail how the management station 100 handles policies. For example, Eichert discloses that **an active packet is created based on the input rules describing the policy**. See *id.* at col. 8, lines 31-55 and Figure 3. After the active packet is created, encoded, and signed, the **packet (or an instruction to retrieve the packet) is transferred to a network device**. See *id.* Figure 3, step 370. In other words, Eichert handles policy processing by using active packets which are communicated by the management station to a network device. Eichert does not disclose a plurality of access point groups and associating policy with a particular one of the access point groups, as recited in Applicant's claim 1.

As shown above, neither Eichert nor Forslow teach or suggest "associating said at least one policy with a particular one of said access point groups," as recited by the Applicant in independent claim 1. Accordingly, the proposed combination of Eichert and Forslow does not render independent claim 1 unpatentable, and a *prima facie* case of obviousness has not been established. The Applicant submits that claim 1 is allowable. Independent claims 10 and 19 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 10 and 19 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

#### **B. Rejection of Dependent Claims 2-9, 11-18 and 20-27**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 10 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Eichert in view of Forslow has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-9, 11-18 and 20-27 depend from independent claims 1, 10 and 19, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-9, 11-18 and 20-27.

### III. Conclusion

The Applicant respectfully submits that claims 1-27 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 09-OCT-2007

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